

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD T. BALSAVAGE,  
Plaintiff,

v.

JOHN E. WETZEL, et al.,  
Defendants.

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CIVIL ACTION  
NO. 11-5817

**ORDER**

**AND NOW**, this   20th   day of   March  , 2013, it is **ORDERED** that the Petition for Writ of Habeas Corpus is **CONDITIONALLY GRANTED** on the ground that the increased sentence Balsavage received after his appeal violates the Due Process Clause of the Fourteenth Amendment because it is the product of judicial vindictiveness. Accordingly, Petitioner's sentence is **VACATED**. The Petitioner shall be released from custody unless, **on or before July 19, 2013**, Balsavage is resentenced to a term not to exceed that originally imposed on May 31, 2007.

s/Anita B. Brody

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ANITA B. BRODY, J.

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